Attorney's Docket No.: 10559-137001
Intel Docket No.: P7876

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant : Wolrich, et. al.	Art Unit : 2155
Serial No.: 09/475,614	Examiner : Eng, David Y
Filed : 12/30/1999	Assignee : Intel Corporation

Title : METHOD AND APPARATUS FOR CONTROL OF RECEIVE DATA

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

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This Reply is in response to the Examiner's Answer filed on 9/16/2005.

The Examiner's Answer focused on the issue of whether Allison (U.S. 6,373,848) teaches "a request ... specifying a thread from among a plurality of processing program threads" as recited by claim 17. The Examiner's reasoning in the Examiner's Answer departed from the previous rejections. Previously, the Examiner had stated, and Appellants agreed, that "Allison does not teach a plurality of threads" (see, e.g., the Office Action mailed 5/7/2004). The Examiner had argued, however, that one of skill in the art would "provide a pool of threads as taught by Belkin (6,604,125) in Allison" (id). As stated on page 10 of the Appellants' Appeal Brief, Appellants strongly disagree that one of skill in the art would provide the threads of Belkin in Allison.

The Examiner's position has seemingly changed to one stating that Allison actually does teach a plurality of threads albeit under a different name. In particular, the Examiner seems to identify the recited request as the collective output of Allison's port selector 46 to the different components of Allison's adaptor and the program threads as either instructions provided by the RxFIFO 43 of Allison or the different words of Allison's port state table. Appellants disagree that either the instructions provided by the RxFIFO 43 or the words of the port state table constitute threads specified by a request. Additionally, Appellants disagree that those of skill in the art use the term "word" and "thread" interchangeably and that Belkin would not cause one of skill in the art to begin doing so.

First, the Examiner continues to identify the control information provided by RxFIFO 43 to control logic 34 as threads. Again, as described on page 7 of the Appeal

Brief, Appellants do not agree that the control information provided by the RxFIFO 43 to the control logic constitutes a program thread. However, assuming purely for the sake of argument that this control information is considered a program thread, this control information is not specified by the port selector 46 output to the RxFIFO 43. The only information Allison describes as being sent by the port selector 46 to the RxFIFO 43 is the section of the RxFIFO 43 to store bytes output by the RxMAC 28 (see FIG. 8). Identifying a RxFIFO 43 memory section, however, does not constitute a request specifying a program thread.

Additionally, claim 17 recites "specifying a thread from among a plurality of threads". While the Examiner identifies the control information provided by the RxFIFO as a single thread, the Examiner did not identify what was being deemed the "plurality of threads". Allison does not state that multiple instructions are stored by the RxFIFO 43 for selection by the port selector 46. As such, the Examiner does not address how providing control information from the RxFIFO 43 to the control logic 34 constitutes specifying a thread from among a plurality of threads.

The Examiner next introduces a new the argument that the words of the port state table constitute threads. The words of the port state table store data identifying the current state of a port (e.g., "IDLE" or "WAIT"). Appellants agree that the port selector 46 of Allison generates a signal that selects the word from the port state table associated with a given port. However, data identifying the state of a particular port is not a program thread.

The Examiner further states that the words of Allison are "like" the threads of Belkin and states that the terms "word" and "thread" can therefore be used interchangeably. First, Appellants vigorously disagree with a general proposition that those of skill in the art use the term "word" and "thread" interchangeably or would do so even after reading Belkin. Additionally, the Examiner did not identify any portion of Belkin equating a word or entry of a table with a thread, thus the Examiner has failed to present a prima facia case of obvious with this new "semantic" use of Belkin. Further, the Examiner use of Belkin relies on speculation of "if Allison requires more than one word in controlling the selected port" (see page 7 of the Examiner's Reply). Examiner speculation aside, Allison does not use more than one word per port nor does the Examiner provide a motivation to provide more than one word per port. Finally, the words of the port entry table store data not instructions. Thus, Appellants do not appreciate the importance that the Examiner attaches to storing more data in the state entry table or how storing more data in a table transforms the data into a thread.

In conclusion, while the Appellants have attempted to address the Examiner's reasoning for the sake of argument, Appellants' position remains that Allison does not describe a system with multiple program threads. Thus, Allison could not possibly describe a request specifying a particular one of the threads.

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Respectfully submitted,

Date: 11/16/05

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